

# FACT SHEET

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## Timber & Timber Harvesting in West Virginia

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### Should Loggers Have Concern That Sawdust Has Been Ruled A Water Pollutant?

Probably! Forestry as an industry is not well understood by the public. Many citizens know that forests cover nearly four-fifths of the state and they tend to equate the potential for pollution with other highly visible manufacturing industries such as oil and gas, coal and chemicals.

It doesn't help when Chapter 22, Article 11, Section 3 of the State Code of West Virginia (Page 211 of volume 8-A) defines "Industrial wastes" as "*any liquid, gaseous, solid or other waste (emphasis added) substance, or any combination thereof, resulting from or incidental to any process of industry, manufacturing, trade or business, or from or incidental to the development, processing or recovery of any natural resources; and the admixture with such industrial wastes of sewage or other wastes, as hereinafter defined, is also "industrial waste" within the meaning of this article.*"

"Other Waste" is then defined as "*garbage, refuse, decayed wood, sawdust, shavings, bark and other woody debris and residues, sand, lime, cinders, ashes, offal, night soil, silt, tar, oil, dyestuffs, acids, chemicals, heat, or all other materials and substances not sewage or industrial wastes which might reasonably be expected to cause or to contribute to the pollution of any of the waters of the state.*"

As is so often the case when fear and ignorance has guided the legislator's pen, there is overkill and the result is laughable. The above definition implies that the forest floor that carpets nearly 80 percent of the state is subject to strict regulation by DEP because it is buried in natural debris ("other waste") which by law is a water pollutant in West Virginia.

If the above law is enforced, the sawdust from a logger's saw is a pollutant. Would it have to be carried out of the woods? It reminds this writer of the regulation enforced for a while in a western State where horses used in logging on a watershed that provided a cities water some 50 miles away had to wear a bag under their tail to catch the residue. This absurdity stopped only when someone asked for a job diapering elk on the same watershed.

This matter arose in West Virginia in the early 1990's when the Division of Water Resources sought to force the burying of sawdust piles under several feet of earth after

two citizens complained that ancient sawdust piles were polluting their water. Imagine the surprise when heavy metals showed up in the chemical analysis. This led to the hiring of a wood chemist as a consultant. He, Dr. Herbert Schroeder from Colorado State University, reported that the analysis of wood from 34 tree species showed only calcium, phosphorus, manganese and magnesium, all beneficial elements, present in concentrations of 50 parts per million or more. When asked if water oozing through sawdust would become acid, he said sure, but a sour pile produces acetic acid and it is such a weak organic acid (vinegar) that it should never be charged with creating problems in streams.

If heavy metals aren't part of a tree's chemistry, how did they get in the original sawdust analysis? Investigation showed in one instance an abandoned steel conveyor system was quietly rusting away under the dust pile. In the other, a lazy worker had discarded truck batteries which had gotten buried under the pile.

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